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6	UNITED STATES DISTRICT COURT
7	DISTRICT OF NEVADA
8	* * *
9	UNITED STATES OF AMERICA,)
10	Plaintiff,
11	vs. 2:09-cr-303-JCM (VCF)
12	ERIC LEON CHRISTIAN,) ORDER
13	Defendant.
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15	Presently before the court is pro se petitioner Eric Christian's "request for relief for
16	sentencing guidelines violation Title 18 U.S. Code 4042." (Doc. # 180). The government has filed
17	a response. (Doc. # 181). Petitioner has also filed a "motion for judgment" (doc. # 183) to which
18	the government has responded (doc. # 184).
19	Petitioner asserts that he was released from custody "998 days over the Federal Sentencing
20	Guidelines maximum 18 months at 80%." (Doc. # 180 at 2). He further alleges that pre-release
21	procedures as set forth in 18 U.S.C. § 4042 were not followed by the Bureau of Prisons, and, as a
22	result, he was rendered homeless. (Id.). Petitioner seeks monetary relief in the amount of
23	\$10,000,000.
24	First, the sentencing guidelines are only advisory, and do not set maximum limits. United
25	States v. Booker, 542 U.S. 220 (2005). Second, there is nothing in 18 U.S.C. § 4042 which creates
26	a private right of action for alleged violations of that statute. See, e.g., Williams v. United States, 405
27	F.2d 951, 954 (9th Cir. 1969)("[Section 4042] does not establish a civil cause of action against
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1	anyone in the event the Bureau's duty is breached. As a result, the court is unable to grant the
2	requested relief.
3	Accordingly,
4	IT IS HEREBY ORDERED, ADJUDGED, and DECREED that petitioner's motion for relief
5	(doc. # 180) be, and the same hereby is, DENIED.
6	IT IS FURTHER ORDERED that petitioner's motion for judgment (doc. # 183) be, and the
7	same hereby is, DENIED.
8	DATED March 14, 2014.
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10	Xellus C. Mahan
11	UNITED STATES DISTRICT JUDGE
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